

766,163

12-10-01

GP1645



PATENT

ATTORNEY DOCKET NO. PARE.002.02US

#8
HB
1/26/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert F. Balint *et al*

) Examiner:

Serial No.: 09/764,163

) Art Unit: 1645

Filed: January 16, 2001

) SUPPLEMENTAL INFORMATION

For: CIRCULARLY PERMUTATED,

) DISCLOSURE STATEMENT

INTERACTION-ACTIVATED PROTEINS

) TRANSMITTAL

BOX DD

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

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Sir:

Transmitted herewith is:

- [X] A Supplemental Information Disclosure Statement.
- [X] A PTO-1449.
- [X] Copies of references B6, C20 and C21 as listed on the PTO-1449.
- [X] An International Search Report.
- [X] Return postcard (postage prepaid).

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL 870268918 US

Date of Deposit: November 30, 2001

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

(Signature)

Kimberly M. Weer

(Printed Name)

Kimberly M. Weer

1. ☒ This Information Disclosure Statement is filed before the later of:
- ☐ three months from the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
 - ☒ the mailing of a first office action on the merits; or
 - ☐ the mailing of a first Office Action after the filing of request for continued examination under §1.114.
- ☒ In accordance with 37 C.F.R. § 1.97(b), no fee is required.
2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 2, but before either:
- ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ a Notice of Allowance under 37 C.F.R. § 1.311; or
 - ☐ an action that otherwise closes prosecution in the application.
- ☐ In accordance with 37 C.F.R. § 1.97(c) also enclosed is:
- ☐ a fee under 37 C.F.R. § 1.17(p) in the amount of \$180.00; or
 - ☐ a certification as stated below.
3. ☐ This Information Disclosure statement is filed on or before the payment of the issue fee, but after either:
- ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ a Notice of Allowance under 37 C.F.R. § 1.311; or
 - ☐ an action that otherwise closes prosecution in the application.

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- ☐ In accordance with 37 C.F.R. § 1.97(d) also enclosed is:
- ☐ a certification, as stated below; and
- ☐ a fee under 37 C.F.R. § 1.17(p) in the amount of \$180.00.

Certification

The undersigned also states:

- ☐ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

The fees indicated above are: \$

TOTAL FEES: \$

- ☐ A check including the amount of the above-indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 18-0020 in the amount of: \$ _____.
- ☐ A check in the amount of \$ _____ is attached.
- ☒ No fee is required.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

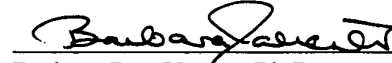
PATENT

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[X] A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Dated: November 21, 2001



Barbara Rae-Venter, Ph.D.

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Serial No.: 09/764,163) Art Unit: 1645
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Filed: January 16, 2001) SUPPLEMENTAL INFORMATION
) DISCLOSURE STATEMENT
For: CIRCULARLY PERMUTATED,)
INTERACTION-ACTIVATED PROTEINS)

BOX DD

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Supplemental Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98(a)(2)(iii) requiring submission of copies of cited pending U.S. patent applications, and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.

Please find copies of references B6, C20 and C21 which is/are being submitted in accordance with the new rule change pertaining to citation of pending US patent applications.

Applicant makes no representation that a complete search has been conducted by the

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(Signature)

Kimberly M. Wern

(Printed Name)

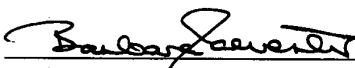
Kimberly M. Wern

Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

The subject application is believed patentable over any of the above references.

Respectfully submitted,

Dated: November 21, 2001



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Reg. No. 32,750

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DOCKET NO. PARE.002.02US

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 1 of 2

In re the application of: Robert F. Balint, *et al.*] Art Unit: 1645
Serial No. 09/764,163] Examiner:
Filed: January 16, 2001]

U.S. PATENT DOCUMENTS

Ref.	Examiner's	Document			Class/	Filing
<u>Desig.</u>	<u>Initials</u>	<u>Number</u>	<u>Date</u>	<u>Name</u>	<u>Subclass</u>	<u>Date</u>
A1		6,294,330	09/25/01	Michnick, et al		07/30/98
A2		6,270,964	08/07/01	Michnick, et al		02/02/98

PENDING U.S. PATENT DOCUMENTS

Ref.	Examiner's			
<u>Desig.</u>	<u>Initials</u>	<u>Document Number</u>	<u>Name</u>	<u>Filing Date</u>

FOREIGN PATENT DOCUMENTS

Ref.	Examiner's	Document			Class/	Filing
<u>Desig.</u>	<u>Initials</u>	<u>Number</u>	<u>Date</u>	<u>Country</u>	<u>Subclass</u>	<u>Date</u>
B6		WO 96 30540	10/03/96	PCT		03/20/96

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref.	Examiner's	
<u>Desig.</u>	<u>Initials</u>	
C20		Ostermeier, et al, A combinatorial approach to hybrid enzymes independent of DNA homology, Nature Biotechnology, vol. 17, no. 12, pp. 1205-1209, Dec. 1999.

Examiner: _____ Date Considered: _____

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



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FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
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(Use several sheets if necessary)
Sheet 2 of 2

In re the application of: Robert F. Balint, <i>et al.</i>]	Art Unit: 1645
]	
Serial No. 09/764,163]	Examiner:
]	
Filed: January 16, 2001		

C21

Ostermeier et al., Combinatorial protein engineering by incremental truncation,
Proc. Natl. Acad. Sci., vol. 96, pp. 3562-3567, March 1999.

Examiner:

Date Considered:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.